UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE

LORI K. WILHOIT)	
)	
V.)	NO. 2:08-CV-304
)	
TIME INSURANCE COMPANY)	

ORDER

The plaintiff has filed a motion to amend her complaint, in which she also asks that the case be remanded to state court, [Doc. 14].

MOTION TO AMEND

In her original complaint, plaintiff sought compensatory damages of \$500,000.00 and punitive damages of \$3,000,000.00. By this amendment, plaintiff seeks to reduce her *ad damnum* to total damages not to exceed \$45,0000.00.

Since the court cannot fathom why this defendant, or any other, would object to a motion by a plaintiff to reduce the *ad damnum*, plaintiff's motion to amend her complaint to reduce her *ad damnum* to \$45,000.00. Plaintiff's motion to amend her complaint to reduce her *ad damnum* to \$45,000.00 is **GRANTED**.

MOTION TO REMAND TO STATE COURT

Plaintiff's motion to remand to state court is based upon a lack of jurisdiction; specifically, plaintiff obviously relies upon the above amendment that reduces her *ad damnum* to \$45,000.00 in destroying the monetary basis for this court's jurisdiction.

However, "once a case that has been initiated in state court has been removed properly, subsequent events that reduce the amount recoverable such as the plaintiff's amendment of the complaint, will not defeat the federal court's subject matter jurisdiction." Wright, Miller, & Cooper, Federal Practice and Procedure, Jurisdiction § 3725. Thus, it is hereby **ORDERED** that the motion to remand this case to state court is **DENIED**.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE